

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2018-24-E

IN RE:

Christopher Lee Johnson,
Complainant/Petitioner,

v.

Duke Energy Carolinas, LLC,
Defendant/Respondent.

Pursuant to S.C. Code Ann. § 58-27-1990, S.C. Code Ann. Regs. 103-829 and 103-352, and applicable South Carolina law, respondent, Duke Energy Carolinas, LLC (“DEC” or the “Company”) hereby moves the Public Service Commission of South Carolina (“Commission”) to dismiss the above-captioned matter on the merits because it fails to state a claim upon which relief can be granted. The Company also requests that the filing deadlines for all parties and the hearing date be held in abeyance until this motion is resolved. In support of its motion, DEC shows the following:

BACKGROUND

Complainant Christopher Lee Johnson originally established electric service at 203 Dovie Drive, Greer, South Carolina on January 18, 2012.¹ Service was disconnected for nonpayment on July 3, 2012. Mr. Johnson then began service again on July 6, 2013, and the account has remained

¹ The facts set forth in this motion are supported by the hereto appended affidavit of Ted Allen, Senior Consumer Affairs Specialist at DEC.

active since that date. Mr. Johnson's account currently has a balance of \$418.01, which includes a past due balance of \$160 and a current bill of \$258.01 due on January 29, 2018. *See Exhibit A.*

DEC Customer Service has had roughly 28 conversations with Mr. Johnson since establishing service at this location. These conversations have primarily involved setting up or modifying payment arrangements. Mr. Johnson has made two high bill complaints with the Office of Regulatory Staff, one in August 2015 and one in December 2017. A meter technician tested the meter both times and found that the meter was operating within the acceptable parameters set forth by the Commission.²

Consistent with S.C Code Ann. Regs. 103-352(c), which requires utilities to offer a payment plan of up to six months that will allow customers to bring their account current, DEC has granted Mr. Johnson 15 deferred payment arrangements. Exhibit A to this motion shows the activity associated with Mr. Johnson's account.

ARGUMENT

DEC requests that the Complaint be dismissed pursuant to S.C. Code Ann. § 58-27-1990, which allows the Commission to dismiss a complaint if it determines that "a hearing is not necessary in the public interest or for the protection of substantial rights." Mr. Johnson fails to allege any violation of an applicable statute or regulation with respect to DEC's billing or handling of his account. Mr. Johnson's billing records show that the Company is charging the appropriate tariff rate approved by the Commission for the registered usage. Furthermore, DEC has been

² The meter was tested on August 26, 2015 with the following results: full load, 100 percent; light load, 99.88 percent. This meter was in service from August 14, 2012 to January 19, 2017, when it was changed out for a new advanced metering infrastructure (AMI) meter. Due to another complaint from Mr. Johnson, the AMI meter was tested on December 21, 2017 with the following results: full load, 100.10 percent; light load, 100.09 percent.

responsive and flexible with respect to Mr. Johnson's requests. DEC respectfully requests that the Complaint be dismissed because it fails to allege any violation of an applicable statute or regulation with respect to DEC's handling of Mr. Johnson's account.

CONCLUSION

DEC has worked diligently to assist Mr. Johnson with payment arrangements, and the account is on an active deferred payment plan. There is no allegation that DEC violated any applicable statute or regulation in its charges. Therefore, this matter should be dismissed.

WHEREFORE, DEC moves the Commission to dismiss the Complaint with prejudice, hold the testimony deadlines for all parties and the hearing in abeyance pending resolution of this motion, and requests such other relief as the Commission deems just and proper.

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and

s/Frank R. Ellerbe, III
 Frank R. Ellerbe, III (SC Bar No. 01866)
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Attorneys for Duke Energy Carolinas, LLC

Columbia, South Carolina
 January 30, 2018

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2018-24-E

IN RE:

Christopher Lee Johnson,)	
Complainant/Petitioner,)	
)	
v.)	Duke Energy Carolinas,
)	LLC's Motion to Dismiss
)	
Duke Energy Carolinas, LLC,)	
Defendant/Respondent.)	
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EXHIBIT A

BILLING AND PAYMENT HISTORY

CONFIDENTIAL, CUSTOMER INFORMATION
FILED UNDER SEAL

VERIFICATION

I, Ted Allen am Senior Consumer Affairs Specialist for Duke Energy Carolinas, LLC. I am responsible for responding to customer inquiries, including those directed to the South Carolina Office of Regulatory Staff ("ORS"). I have reviewed the documents received and maintained in the ordinary course of business by Duke Energy Carolinas for Mr. Johnson, and I am familiar with the records of Duke Energy Carolinas that pertain to Mr. Johnson's electric service account.

I am personally knowledgeable as to the records and information discussed in the attached motion to dismiss, I know them to be true of my own knowledge or I have gained knowledge of them from the records of Duke Energy Carolinas which are maintained in the ordinary course of business by Duke Energy Carolinas.

I, Ted Allen, first being duly sworn upon oath depose and say that I am authorized to represent Duke Energy Carolinas, that I have read the above motion to dismiss and know the contents; that the contents are true and correct to the best of my knowledge and belief.

Duke Energy Carolinas, LLC

Ted Allen, Senior Consumer Affairs Specialist

Subscribed and sworn to before me this
26th, 2018

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 Notary
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CERTIFICATE OF SERVICE

This is to certify that I, Toni C. Hawkins, a paralegal with the law firm of Sowell Gray Robinson Stepp & Laffitte, LLC, have this day caused to be served upon the person(s) named below **Duke Energy Carolinas, LLC's Motion to Dismiss** in the foregoing matter by placing a copy of same in the U.S. Mail and/or via electronic mail addressed as follows:

Christopher Lee Johnson
 203 Dovie Drive Lot #10
 Greer, SC 29651
topher8231282@gmail.com

C. Lessie Hammonds, Esquire
 Office of Regulatory Staff
 1401 Main Street, Suite 900
 Columbia, SC 29201
lhammon@regstaff.sc.gov

Dated at Columbia, South Carolina this 30th day of January, 2018.

